



## United States Attorney's Office

for the District of Montana

P.O. Box 1478  
Billings, MT 59103

### CONTACT

**Jessica T. Fehr**  
**Assistant U.S. Attorney**  
**(406) 247-4637**

---

### **Man Sentenced for Stealing Mother's Social Security**

A man who lived off his mother's Social Security checks in Three Forks while she lay in a urine-soaked bed in a low-income housing complex in Helena was admonished in federal court Thursday not only for taking his mother's money but also for neglecting her.

Pendelton Merriam wasn't sentenced to any jail time after pleading guilty to one count of Social Security fraud, but was placed on five years probation. During that time, he must pay \$4,280 in restitution to his mother at a rate of \$125 per month.

Merriam was facing six months behind bars, but Public Defender Michael Donahoe noted that incarceration would cost taxpayers and Merriam had a job lined up that would allow him to pay back his mother.

U.S. District Court Senior Judge Charles Lovell agreed with the reasoning, but chastised Merriam for not taking better care of his mother.

"I hope you realize that a good share of the wrong that you committed here is ignoring your mother in her time of need," Lovell said. "That seems to me to be as significant as the crime you committed. I hope you will pay closer attention to her and that she does

well.”

Jessica Fehr, who prosecuted the case for the U.S. Attorney’s Office, said these types of fraud often fly under the radar screen of her office, but because of the condition of the mother’s apartment, it got their attention.

“This is a really sad case, and I’m hearing more and more about program fraud issues,” Fehr said. “This is what happens as the baby boom generation ages; who will care for them?”

“This is an extreme example of what happens when they’re left on their own.”

According to court documents, Merriam’s mother moved into the Sunset Capital Apartments in March 2006. In November 2006, the apartment manager contacted Merriam to tell him his mother’s health was declining. By the first of December, the manager sent Merriam a letter documenting his concern for the mother’s health, noting that she wasn’t able to remember where her apartment was located and she had problems controlling her bladder.

Merriam visited her in late January or early February. At that time, he bathed her and cut her hair, which had become matted.

By mid February, the manager was worried enough that he contacted Adult Protective Services, which inspected her apartment, then took her to the hospital for medical attention. The apartment was described as “messy,” the court documents note, “but the biggest issue was the urine. (Her) bed was soaked through and the floor had urine spots in several areas. (Her) chair also was soaked with urine.”

The mother ended up at the Rocky Mountain Care Center, which is a full-service nursing facility.

Meanwhile, a social worker contacted Merriam about his mother’s needs, since her Social Security checks were being deposited into a joint account for he and his mother. The social worker had noted the mother didn’t have money for her personal needs and some bills weren’t current, yet her Social Security check should have easily covered those costs.

“During that meeting, Merriam expressed that he was upset (his mother’s) payee was changing, that he was unemployed and did not know how he would pay his bills without his mother’s monthly benefit check,” the government’s offer of proof stated.

Since then, the state now receives the Social Security check and has paid her bills, plus put the leftover money into an account that she can use to buy personal items.

Merriam said he hasn’t been able to see her mother since June, but planned to do so after court Thursday.

That prompted the judge to wonder aloud how well Merriam would take care of his mother in the future.

“You haven’t seen your mother since June and at her age — don’t you have any feelings for this woman?” the judge queried.

“Yes, I love her very much,” Merriam responded.

“Well, I’m sure she would be glad to see you drop in and visit her,” the judge added. Man sentenced for taking mother's social security money

---